

HB166 ~ An Act Relative to Substance Exposed Newborns ~ Rep. Fiola

S129 ~ An Act Relative to medication-assisted treatment ~ Sen. Velis

Referred to Joint Committee on Children, Families and Persons with Disabilities

Background

State law currently requires that a healthcare provider make a report of suspected abuse or neglect of a child *any time* an infant is born with a “physical dependence upon an addictive drug.”[1] This includes situations where a parent is taking a substance that has been prescribed by their doctor, including medication to treat opioid use disorder.

In FY2022, DCF received nearly 1,700 reports of families with infants who were born substance exposed -- but in approximately half of those reports, DCF did not open a case after determining there was no reasonable cause to believe the child had been abused or neglected.[2]

Being reported to DCF is a stressful experience for a family, even if DCF ultimately does not investigate or open a case. In fact, some pregnant individuals have chosen to stop medication to treat opioid use disorder out of fear of being reported to DCF – a situation that ultimately increases their risk of relapse and poses safety risks for their child.

This bill aims to promote the wellbeing of families and the safety of children by modifying these mandated reporting requirements while establishing a system to ensure *every* child with prenatal substance exposure gets a high quality “Plan of Safe Care” and support in the critical early months post-partum.

Bill Summary

Protects children by ensuring families receive effective postpartum support	This bill requires DPH to establish regulations to ensure every child born exposed to substances has an effective Plan of Safe Care. It also requires DPH, in consultation with DCF, to develop clear guidance for providers on when to file a report of suspected child abuse or neglect prior to a family being discharged from a hospital.
Supports parents who are in recovery	This bill supports parents in making healthy choices, including continuing the use of prescribed substances to treat opioid use disorder, by removing the threat of automatic mandated reporting to DCF in these circumstances. It also requires DPH to establish a network of supports to ensure families have access to services designed to address the health and substance use disorder treatment needs of both the newborn and the parent(s).
Creates a system to monitor ongoing effectiveness and impact	This bill requires DPH, DCF, and the Office of the Child Advocate to study the effectiveness of this policy change in protecting children and promoting family well-being in an equitable manner. To do so, the bill mandates that DPH collect data on all infants born exposed to substances, in keeping with federal requirements,[3] and that DCF send data to DPH’s Public Health Data Warehouse to facilitate ongoing evaluation and further policy improvements.

[1] <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section51a>

[2] [Department of Children and Families. FY2022 Annual Report.](#)

[3] [Child Abuse Prevention and Treatment Act.](#)